

## § 1025.22

- (1) Petitions for leave to intervene;
  - (2) Motions, including motions for consolidation of proceedings and for certification of class actions;
  - (3) Identification, simplification and clarification of the issues;
  - (4) Necessity or desirability of amending the pleadings;
  - (5) Stipulations and admissions of fact and of the content and authenticity of documents;
  - (6) Oppositions to notices of depositions;
  - (7) Motions for protective orders to limit or modify discovery;
  - (8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;
  - (9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;
  - (10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules;
  - (11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;
  - (12) Consideration of offers of settlement;
  - (13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and
  - (14) Such other matters as may aid in the efficient presentation or disposition of the proceedings.
- (b) *Public notice.* The Presiding Officer shall cause a notice of the first prehearing conference, including a statement of the issues, to be published in the FEDERAL REGISTER at least ten (10) days prior to the date scheduled for the conference.
- (c) *Additional conferences.* Additional prehearing conferences may be convened at the discretion of the Presiding Officer, upon notice to the parties, any participants, and to the public.
- (d) *Reporting.* Prehearing conferences shall be stenographically reported as provided in §1025.47 of these rules and shall be open to the public, unless oth-

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erwise ordered by the Presiding Officer or the Commission.

(e) *Prehearing orders.* The Presiding Officer shall issue a final prehearing order in each case after the conclusion of the final prehearing conference. The final prehearing order should contain, to the fullest extent possible at that time, all information which is necessary for controlling the course of the hearing. The Presiding Officer may require the parties to submit a jointly proposed final prehearing order, such as in the format set forth in appendix I.

### § 1025.22 Prehearing briefs.

Not later than ten (10) days prior to the hearing, unless otherwise ordered by the Presiding Officer, the parties may simultaneously serve and file prehearing briefs which should set forth:

- (a) A statement of the facts expected to be proved and of the anticipated order of proof;
- (b) A statement of the issues and the legal arguments in support of the party's contentions with respect to each issue; and
- (c) A table of authorities relied upon.

### § 1025.23 Motions.

(a) *Presentation and disposition.* During the time a matter in adjudication is before the Presiding Officer, all motions, whether oral or written, except those filed under §1025.42(e), shall be addressed to the Presiding Officer, who shall rule upon them promptly, after affording an opportunity for response.

(b) *Written motions.* All written motions shall state with particularity the order, ruling, or action desired and the reasons why the action should be granted. Memoranda, affidavits, or other documents supporting a motion shall be served and filed with the motion. All motions shall contain a proposed order setting forth the relief sought. All written motions shall be filed with the Secretary and served upon all parties, and all motions addressed to the Commission shall be in writing.

(c) *Opposition to motions.* Within ten (10) days after service of any written motion or petition or within such